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Human rights situations that require the Council's attention

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[29 January 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The United States of America and the United Kingdom of Great Britain and Northern Ireland Continue Military Exports to Saudi Arabia Neglecting International Law and Human Rights

In the current world, the increasing number of internal conflicts and skirmishes in countries are jeopardizing the international peace and security. The most important example of this jeopardy is the rising sales of weapons to Saudi Arabia despite the fact that this country has been involved in many cases of human rights violations in Yemen. For this reason, restricting arms sales to such countries is very important as it can help protect human rights in Yemen and reduce suffering of its people. Banning arms transfers, which can lead to violation of international humanitarian law, is among obligations undertaken by states in order to guarantee respect for international humanitarian law and this issue has been highlighted in the Common Article 1 to the Geneva Conventions.

All states are to be held responsible for arms transfers, which can lead to human rights violations, because there are some articles of human rights to which states have positive obligation. This means that a State Party must respect and ensure the rights laid down in the International Covenant on Civil and Political Rights to anyone within the power or effective control of that State Party, even if not situated within the territory of the State Party.[1] Therefore, those states that are suppliers of arms can be held responsible for those actions that are taken outside their territory by the means of weapons that they have produced.

Barbara Frey, Special Rapporteur for Prevention of Human Rights Violations Committed with Small Arms and Light Weapons, has emphasized in her report that there are norms according to which states must exercise due diligence in order to prevent human rights violations by the means of weapons that they export.[2] This issue has drawn attention of the United Nations General Assembly. In its various resolutions, the United Nations body, has asked State Members to formulate practical administrative and legal mechanisms to regulate and implement effective supervision over transfer of weapons.[3]

The government of Saudi Arabia, which has been among major customers of all kinds of weapons in the past two years, has launched a vicious attack on Yemen using as excuse a purported request by the country's former president, Abd Rabbuh Mansur Hadi, and the military campaign, which started in March 2015 and the war is still going on. As a result of Riyadh's military onslaught, civilian infrastructure of Yemen has been severely damaged, and a high number of civilians have been killed or injured.[4] Figures produced by various international organizations, including the United Nations, the Human Rights Council, Human Rights Watch and others show[5]

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1 General Comment No. 31, CCPR/C/74/CRP.4/Rev. 6, 29 March 2004, § 10

2 Working Paper, E/CN.4/Sub.2/2002/39, §35

3 §4 of A/RES/46/36/H, 6 December 1991, see also A/RES/48/75/F, 16 December 1993; A/RES/57/66, 30 December 2002, 30 December 2002; and in particular A/Res/58/42, 17 December 2003; See also §2 of Part II Programme of Action, A/CONF.192/15, 20 July 2001

4 A report by Amnesty International has highlighted extensive violations of human rights outside Saudi Arabia with special emphasis on the war on Yemen, which has culminated in various forms of war crimes, including bloody attacks on schools, hospitals and other civilian sites.

"Saudi Arabia to increase the stock of its military hardware, accounting for 7% of the world's arms imports," http://www.worldatlas.com/articles/world-s-largest-importers-of-military-arms.html

5 Available figures show that a total of 4,125 people, including children, have been killed and 7,207 others injured in Saudi-led coalition's attacks between March 2015 and October 2016. UN experts visiting the area have confirmed that the Saudi-led coalition shows no respect for international humanitarian law in its war on Yemen and has carried out, at least, 10 bombardments of Yemen's houses, markets, factories, hospitals and even a warehouse run by the international charity, Oxfam, which contained humanitarian aid for Yemeni people.

that the Saudi-led coalition has been involved in 72 cases of gross violations of international humanitarian law. These violations include arbitrary killing, attacking non-military sites, and blocking flow of humanitarian aid to civilians.[4] Saudi Arabia has been found in gross violation of human rights in the following cases:

A. Arbitrary killing: Saudi Arabia bombards civilian populations, especially using weapons, which cannot differentiate between military personnel and civilians, including cluster bombs. In addition to violating various aspects of international humanitarian law, use of such weapons has deprived Yemeni people of their right to life.

B. Gross violation of the right to security: The use of various weapons by Saudi Arabia against civilian sites, especially hospitals, not only amounts to violation of international humanitarian law, but also violates the right to security, because under these conditions, there is no safe place for the civilian population.

C. Gross violation of the right to food, education and housing: Heavy bombardment of Yemen by Saudi Arabia has so far caused many Yemenis to lose their homes and become homeless. On the other hand, Saudi Arabia has been pounding schools in Yemen, claiming that they shelter Houthi fighters, as a result, a large number of Yemeni children have been deprived of the right to education. Moreover, bombardments by Saudi Arabia have disrupted supply of aid, especially food, to people of Yemen, which is a gross violation of the right to food and health.[5]

In view of the above facts and frequent reports presented by international human rights bodies, transfer of weapons to Saudi Arabia under the present conditions is a potential threat to international peace and security. Therefore, total halt or at least suspension of arms supplies to Saudi Arabia, at any level and regardless of the type of those weapons, must be a top priority for weapon exporting countries.

Recommendations:

1. Our organization draws special attention of the UN Human Rights Council to the threat posed to humanity in Yemen as a result of disregard for standards and rules of selling weapons by both seller and buyer parties.
2. Our organization requests the United Nations and international governmental and nongovernmental organizations to become united in an effort to pressure Saudi Arabia to become a party to international treaties on arms sales and to make the country comply with rules of human rights and international humanitarian law.
3. Our organization asks all nongovernmental organizations concerned with the situation in Yemen to request the United Nations Security Council, through consultations and pressure on their governments, to hold an extraordinary meeting. That meeting must discuss the issue of transfer of weapons to countries violating human rights and international humanitarian law in a way that may lead to serious violations of the laws

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4 United Nations Human Rights Office of the High Commissioner, "Outrageous Attack on Funeral Makes International Investigation into Yemen Even More Vital" http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22063&LangID=E accessed 15 November 2017.

5 A Panel of Experts appointed by the UN produced a report on the Yemen Conflict. Please see UNSC, "Final Report of the Panel of Experts on Yemen," 31 January 2017, S/2017/81.

6 For example see UN Secretary General's Report on Children and Armed Conflict A/70/836–S/2016/360, April 20, 2016, Paras. 171 and 228; report from Human Rights Watch, "Targeting Saada – Unlawful Coalition Airstrikes on Saada City in Yemen" (June 2015); report from Amnesty International, Yemen: 'Nowhere safe for civilians': Airstrikes and ground attacks in Yemen (August 2015); CRC, Concluding observations on the combined third and fourth periodic reports of Saudi Arabia (2016) (October 2016), CRC/C/SAU/CO/3-4.

7 In a comment on the recent arms deal between the United States and Saudi Arabia in which Riyadh bought about 110 billion dollars worth of weapons from Washington, Amnesty International has described the United States' measure as a "glaring omission" of human rights.

http://www.independent.co.uk/news/world/americas/donald-trump-arms-deal-saudi-arabia-110-billion-9113-airstrikes-international-law-war-crimes-a7747076.html

US politicians challenge Donald Trump's multi-billion dollar Saudi Arabian arms deal. 'The United Nations and a number of human rights organizations documented a series of RSAF airstrikes on civilian targets including hospitals, markets, schools and a large funeral'

(compelling norms of international law and erga omnes obligations that states have towards the international community).

4. Our organization asks the international community to make a serious effort against arms export policies in Europe and the United States and force those respective countries to comply with regional and international rules and standards that govern global trade of weapons.